



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,795	02/12/2002	David A. Norman	50097-8USPT	3663

26231 7590 03/08/2006

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
----------	--------------

3618

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,795

Applicant(s)

NORMAN ET AL.

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 41, 46-53 and 58-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 41, 46-53 and 58-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 7, 9, 10, 41, 46-48, 50, 52, 53 and 60-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Ribbe (US Patent 5,994,853).

Ribbe teaches a method for controlling acceleration of a toy vehicle similar to applicant's, the method including:

- Detecting a change in a throttle/speed monitor signal from a first level to a second level (see column 3, lines 28-33 and column 4, lines 52-63), the throttle signal being operable to induce motion via a motor (14), as taught in column 6, lines 15-48
- Generating a transition/command signal based on the change in the throttle signal, as taught in column 6, lines 15-48
- The transition/command signal including at least one signal level intermediate to a third signal level corresponding to the first level
- A fourth signal level corresponding to the second level
- Transition from the third signal level to at least one intermediate level to the fourth signal level occurs over a significantly longer time period than a time

period for change in the throttle signal from the first level to the second level, as taught in column 6, lines 49-65

- The transition signal is a pulse width modulation signal having a plurality of different duty cycles, each different duty cycle including a signal level of the transition signal, see column 6, lines 15-48
- The motor includes a high and low terminal, as defined by the high and low output
- The transition/command signal ramps power to the motor, as taught in column 6, lines 66-67 and column 7, lines 1-8
- Regarding claim 9, applicant's attention is directed to column 5, lines 6-19
- Regarding claim 10, applicant's attention is directed to column 6, lines 49-54
- A binary switch/contact (22)
- Regarding claim 61, applicant's attention is directed to column 5, lines 33-37
- Regarding claim 71, applicant's attention is directed to column 4, lines 23-43.

2. Claims 1-4, 7, 9, 10, 41, 46, 48, 50, 52, 53, 58-65, 67-69 and 71-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Berman et al. (US Patent 3,732,751).

Berman et al. teaches a method for controlling acceleration of a toy vehicle similar to applicant's, the method including:

- Detecting a change in a throttle/speed monitor signal from a first level to a second level (see column 3, lines 1-9 and column 4, lines 48-68), the throttle

signal being operable to induce motion via a motor (14), as taught in column 6, lines 13-25

- Generating a transition/command signal based on the change in the throttle signal
- The transition/command signal including at least one signal level intermediate to a third signal level corresponding to the first level
- A fourth signal level corresponding to the second level
- The transition signal is a pulse width modulation signal having a plurality of different duty cycles, each different duty cycle including a signal level of the transition signal
- The motor includes a high and low terminal, as defined by the high and low output
- The transition/command signal ramps power to the motor
- Re claim 58 and 59, see column 10, lines 64-67

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 8, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ribbe ('853) in view of Porter et al. (US Patent 5,056,613).

Ribbe lacks the teaching of transitioning the motor from a first to a second angular velocity.

Porter et al. teaches the operation of transitioning the motor from a first to a second angular velocity. The transition from the first to the second angular velocity is non-linear or substantially linear. The transition signal ramps power to the motor.

Based on the teachings of Porter et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the system of Ribbe to include the operation of transitioning the motor from a first to a second angular velocity to regulate the motor based no demand to prevent overrunning.

4. Claims 6, 8, 49, 51 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al.('751) in view of Porter et al. (US Patent 5,056,613).

Berman et al. lacks the teaching of transitioning the motor from a first to a second angular velocity.

Porter et al. teaches the operation of transitioning the motor from a first to a second angular velocity. The transition from the first to the second angular velocity is non-linear or substantially linear. The transition signal ramps power to the motor.

Based on the teachings of Porter et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the system of Berman et al. to include the operation of transitioning the motor from a first to a second angular velocity to regulate the motor based no demand to prevent overrunning.

Response to Arguments


5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

March 3, 2006

 3/6/06
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600